

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SAN MIGUEL HOSPITAL CORPORATION,  
d/b/a ALTA VISTA REGIONAL H  
OSPITAL, on  
behalf of itself and all others similarly situated,

Plaintiff,

v.

Johnson & Johnson, *et al.*,

Defendants.

1:23-cv-00903-KWR-JFR

**ORDER ON STIPULATED MOTION TO SET BRIEFING SCHEDULE AND PAGE  
LIMITS FOR MOTIONS TO DISMISS PLAINTIFF’S COMPLAINT**

Plaintiff San Miguel Hospital Corporation, d/b/a Alta Vista Regional Hospital (“Plaintiff”), by and through its undersigned counsel, and Defendants,<sup>1</sup> by and through their undersigned counsel, stipulated and moved the Court for entry of its Order as to certain deadlines and page limit extensions [**Doc. 146**].

**IT IS THEREFORE ORDERED AS FOLLOWS:**

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<sup>1</sup> The Defendants named in Plaintiff’s original Complaint that are joining this stipulation are: Johnson & Johnson and Janssen Pharmaceuticals, Inc. (f/k/a Ortho-McNeil-Janssen Pharmaceuticals, Inc. f/k/a Janssen Pharmaceutica Inc.); specially appearing Noramco, LLC (improperly named Noramco, Inc.); specially appearing Grünenthal USA, Inc.; specially appearing Grünenthal Pharmaceuticals, Inc.; Allergan Finance, LLC; Allergan Sales, LLC; Allergan USA, Inc.; AbbVie Inc.; AmerisourceBergen Drug Corporation; Xcenda L.L.C.; Cardinal Health, Inc.; H. D. Smith, LLC (f/k/a H. D. Smith Wholesale Drug Co.); McKesson Corporation; CVS Pharmacy, Inc.; CVS Rx Services, Inc.; CVS Orlando FL Distribution, L.L.C.; Walmart Inc.; Walgreens Boots Alliance, Inc.; Walgreen Co.; and Walgreen Eastern Co., Inc.

All Defendants expressly reserve, and do not waive, any and all defenses pertaining to personal jurisdiction. Out of an abundance of caution and in order to preserve certain defenses, some named defendants have not joined this stipulation, but the parties agree that the briefing schedule set forth in this stipulation will apply to all defendants named in Plaintiff’s First Amended Complaint.

WHEREAS, on March 18, 2024 Plaintiff filed a corrected First Amended Complaint (“Plaintiff’s First Amended Complaint”);

WHEREAS, Plaintiff and the Defendants named in the original Complaint previously stipulated to a briefing schedule for motions to dismiss Plaintiff’s original Complaint, which this Court entered on November 13, 2023 (ECF No. 61);

WHEREAS, Defendants filed motions to dismiss the original Complaint pursuant to that stipulated schedule on January 19, 2024;

WHEREAS, the parties have agreed there is good reason to extend the deadline for Defendants to answer, move, or otherwise respond to the First Amended Complaint; and

WHEREAS, the parties have agreed that it is in the interest of the parties and Court to set a coordinated briefing schedule for Defendants’ motions to dismiss Plaintiff’s First Amended Complaint;<sup>2</sup> and

WHEREAS, as in other litigation related to prescription opioids in other federal courts, Defendants will endeavor to file consolidated motions and other papers where possible, including but not limited to briefing by “Industry Group” (i.e., Manufacturer Defendants, Distributor Defendants, and Pharmacy Defendants);

NOW, THEREFORE, Plaintiff and the undersigned Defendants hereby stipulate and it shall be and hereby is ORDERED as follows:

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<sup>2</sup> Plaintiff’s First Amended Complaint named for the first time several new defendants, many or all of whom have not yet been served and/or entered appearances in this matter. These newly-added defendants are not presently parties to this stipulation. Plaintiff nevertheless agrees that other newly-added defendants may choose to, but are not required to, use these dates as the operative deadlines should they also file a motion to dismiss as part of an industry group or on jurisdictional grounds pursuant to Paragraph 4.

Each Industry Group shall file its motion to dismiss the First Amended Complaint by May 2, 2024, limited to forty (40) pages per motion. Any of those pages may be allocated to a motion filed collectively by all Defendants.<sup>3</sup>

1. Plaintiff shall file its oppositions to Defendants' motions by June 17, 2024, limited to forty (40) pages per opposition, not to exceed 120 pages in total.

2. Each Industry Group shall file its reply in support of its motion by July 17, 2024, limited to twenty (20) pages per reply. Any of those pages may be allocated to a reply filed collectively by all Defendants.

3. Any Defendant also may file a supplemental motion to dismiss the First Amended Complaint related to arguments unique to that Defendant (e.g., jurisdictional defenses). Briefing related to such Defendant-specific motions will be subject to the above briefing schedule. Each motion and opposition shall be limited to ten (10) pages and each reply shall be limited to five (5) pages.<sup>4</sup>

4. All defenses and objections to the Court's jurisdiction and under Fed. R. Civ. P. 12 are expressly reserved.

**IT IS SO ORDERED.**

/S/  
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KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE

Approved by:

**FOR PLAINTIFF:**

/s/ Warren Burns

<sup>3</sup> For example, if Defendants file a collective motion of 15 pages, each Industry Group may file its own motion of no more than 35 pages.

<sup>4</sup> Defendants anticipate that the number of such Defendant-specific motions will be limited.

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